

Trackout

What is it?

Why is it a Problem?



Trackout is:

- Dirt, mud or other debris tracked onto a paved public road by a vehicle leaving a construction site.
- Dirt and mud adhering to the exterior or undercarriage of a vehicle leaving a construction site that falls onto a paved public roadway.
- Traces of dirt or other bulk material that spill onto a paved public road from an improperly loaded haul vehicle leaving a construction site.
- Dirt and mud leaving an unpaved access road going onto a paved public roadway.

Particulate matter (PM₁₀), a regulated air pollutant, is created when the material deposited on the pavement is lifted back into the atmosphere – or “re-entrained”-by the tires of vehicles passing over the matter. A large portion of the PM₁₀ in the metropolitan area is caused by vehicle re-entrainment. Trackout remaining on roads can also lead to water pollution in the form of suspended sediment when carried to water bodies by storm water runoff.

According to Maricopa County Rule 310, control of trackout is required for all work sites having a disturbed surface area of at least .10 acre or from which material is hauled on or off-site. Trackout is also a violation of the City of Tempe’s Hauling and Storm Water ordinances (see “Trackout Regulations”).

Trackout Controls

Trackout can be controlled using any of the following at all exits onto paved public roads:

Trackout pad - A stabilized construction entrance, designed to remove mud and dirt from the tires of vehicles as they leave the construction site. The gravel pad should be at least 30 feet wide by 50 feet long and a minimum of six inches deep. One to three inch diameter, washed gravel or crushed rock should be used. It is very important that the gravel pad be properly graded.

Grizzly – A device using rails, pipes or grates to dislodge mud, dirt and debris from the tires and undercarriage of vehicles prior to leaving the work site. This device is reusable, transportable by truck and easy to assemble and it can be expanded to accommodate various sizes of haul vehicles.

Paving – The paved surface must extend from the point of intersection with a paved public roadway at least 100 feet back onto the site and have a width of at least twenty feet.

The City of Tempe enforces on any trackout onto paved public roads. In addition, Maricopa County requires immediate cleanup of trackout if it extends 50 linear feet or more onto the paved public road. Otherwise, the trackout must be cleaned up by the end of the workday. Cleanup may be performed with street sweeper, wet broom, or by manually sweeping up the deposits. Removing trackout by means of “washing” and/or “spraying with water is not allowed.

Ensure that employees and subcontractors working on the job know the requirements for dust control, storm water and trackout containment.

Why is Trackout a Problem?

Soil sediment that leaves the site of construction activity is a large contributor to water pollution. Sediment carries soil (the major pollutant), but also can carry attached pollutants such as petroleum products, metals, chemicals, pesticides, organic products, and bacteria. A major problem associated with erosion in construction sites is the movement of soil off-site and consequent pollution of receiving waters. Sediment/soil is also detrimental to drywells located in on-site retention basins either on or off-site.

As a contractor, site supervisor, owner or operator of a site, you may be responsible for the environmental damage caused by your subcontractors or employees.

Trackout Regulations

Arizona Department of Environmental Quality (AZDEQ) Storm Water General Permits – for Large (greater than 5 acre) and Small (less than 1 acre) construction sites (Phases I and II) AZG2003-001, effective 2/28/03:

Among the Requirements is:

- Development of Storm Water Pollution Prevention Plan (SWP3) which includes requirements for: Maintenance of erosion and sediment control and other protective measures,

- Inspection by the operator to ensure that BMPS are functioning and that SWP3 plan is properly implemented,

- Controls to reduce pollutants -a description of all pollution control measures (BMPs) that will be implemented as part of the construction project to control pollutants in storm water discharges.

These include storm water controls, erosion and sediment controls, good housekeeping practices, stabilization practices, structural practices, non-storm water discharge management and other controls (e.g. offsite tracking of soils and dust management).

Tempe Storm Water Ordinance Division 2, Prohibitions and Controls to Reduce the Discharge of Pollutants in Storm Water, Section 12-125,

Prohibitions of non-storm water discharges to the public storm drain system; exceptions.

Unless expressly authorized or exempted by this article, no person shall cause or allow the release to a public right-of-way or public storm drain system of any substance that is not composed entirely of storm water.

Tempe City Code Section 19, Motor Vehicles and Traffic, Section 19-50. Hauling waste-fill or waste excavation material.

- (a) It shall be unlawful to haul or cause to be hauled, except by special permit, waste fill or waste excavation material on the streets and highways within the city when the quantity of waste fill or waste excavation material to be hauled exceeds five thousand (5,000) cubic yards for the project or when the duration of the haul is more than ten (10) working days. Written application for a special permit and the issuance of a special permit will be processed by the city engineer, who will place upon the special permit such conditions as may be reasonably necessary to prevent creation of a nuisance or hazard to the public. Such conditions may include, but not be limited to:
 - (5) Assumption of responsibility to remove any spillage of waste fill or waste excavation material from streets or sidewalks or to pay the city twice the cost of removal; or
 - (6) Any violation of the terms or conditions of the permit shall be sufficient grounds for the city engineer to revoke the permit.
- (b) Notwithstanding the provisions of paragraph (a) above, it shall be unlawful to cause or allow fill, excavated material, construction debris, mud, dirt, rock, sand, gravel, concrete or asphalt to be spilled, dumped or tracked onto public streets, alleys or sidewalks.
- (c) The city council by resolution will set the fee to be charged by the city engineer for the special permit for hauling waste fill or waste excavation material in the city.
- (d) Any person who owns, leases or occupies property in connection with which fill, excavated material, construction debris, mud, dirt, rock, sand, gravel, concrete or asphalt is hauled or caused or allowed to be spilled, dumped or tracked onto public streets, alleys or sidewalks shall be subject to any penalty authorized by this chapter, by article VI of chapter 12, or the general penalty provision of the city code, § 1-7.
- e) Any person who contracts to do construction work on property in connection with which fill, excavated material, construction debris, mud, dirt, rock, fill, gravel, concrete or asphalt is hauled or caused or allowed to be spilled, dumped or tracked onto public streets, alleys or sidewalks shall be subject to any penalty authorized by this chapter, by article VI of chapter 12, or the general penalty section of the city code, § 1-7.

(Ordinance No. 88.13, 6-9-88; Ordinance No. 2004.14, 4-29-04)

City of Tempe Storm Water Ordinance Sec. 12-148. Cease and desist orders.

- (a) When the water utilities manager finds that a person has violated, or continues to violate, any provision of this article or any related laws or regulations, or that the person's past violations are likely to recur, the water utilities manager may issue an order to the person directing them to cease and desist all such violations and direct the person to:
 - (1) Immediately comply with all requirements; and
 - (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation.
 - (b) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the person. A person's failure to comply with an order of the water utilities manager issued pursuant to this division shall constitute a violation of this article.
- (Ord. No. 98.34, 08-13-98; Ord. No. 2001.17, 7-26-01)

Financial Implications

According to the City of Tempe Code Section 12-149: Civil penalties.

- (a) In addition to any other enforcement authority contained in this article, the city may issue a civil citation to any person who has violated, or continues to violate, any provision of this article or any related laws or regulations. The form of the citation shall be established by the city attorney.

If the defendant fails to appear as directed on the citation, the court upon request of the city, shall enter a default judgment for the amount of the fined indicated for the violation, charged, together with a default penalty not to exceed fifty dollars (\$50).

The civil penalty for violation this article shall be an amount not to exceed three hundred dollars (\$300).

All civil hearing under this article before the Tempe Municipal Court shall be informal and without a jury, except that testimony shall be given under oath or affirmation. The Rules of Evidence do not apply, except for any rules or statutes relating to privileged communications. If the allegation in the citation is denied, the city is required to prove the violation by a preponderance of the evidence. The court is authorized to make such orders as may be necessary or appropriate to fairly and efficiently decide the case at hand.

An appeal from the judgment of the court may be taken in the same manner as civil traffic appeals. (Ord. No. 98.34, 08-13-98; Ord. No 2001.17, 7-26-01; Ord. No 2002.35, 8-8-02; Ord. No 2004.13, 4-29-04)

Section 12-150. Injunctive relief.

When the water utilities manager finds that a person has violated, or continues to violate, any provision of this article or any related laws or regulations, or that person's past violations are likely to recur, the city may petition the Superior Court of Arizona, Maricopa County, through the city attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of any order or other requirement imposed by this article on activities of the person. The city may also seek such other action as is appropriate for legal or equitable relief. (Ord. No. 98.34, 08-13-98; Ord. No. 2001.17, 7-26-01; Ord. No 2004.13, 4-29-04)

In September of 2004

US Environmental Protection Agency filed lawsuits against two Phoenix sand and gravel companies for ongoing dust violations

The US Attorney's Office for Arizona filed lawsuits seeking penalties from two Phoenix sand and gravel companies over alleged Clean Water Act violations. T.R.P., L.L.C., and Raven Rock Construction, L.L.C., both failed to comply with Maricopa County rules that require a permit for earth moving and dust generating activities. Both companies failed to submit a dust control plan to the county, and to use suitable control device to remove dirt from vehicle tires entering and exiting construction sites. Raven Rock also failed to immediately clean up any dust tracked out 50 feet beyond the site.

The EPA is seeking both injunctive relief and penalties up to \$27,500 per violation per day. Maricopa County referred the case to the EPA after unsuccessful attempts to bring T.R.P. and Raven Rock into compliance.

The U.S. Environmental Protection Agency on May 5, 2005 settled with a Phoenix construction company for \$53,000 for Clean Air Act violations.

Pulice Construction, Inc. allegedly failed to comply with Maricopa County rules that require contractors to use a suitable control device to remove dirt from vehicle tires exiting construction sites. The company also allegedly failed to immediately clean up dust tracked out 50 feet beyond the site.

"Dust in the air is a serious health threat, especially to children, older people, and those with respiratory illnesses," said Deborah Jordan, the EPA's Air Division director for the Pacific Southwest region. "There's no excuse for failing to comply with dust control regulations."

Maricopa County inspectors discovered the violations during three inspections in October and November 2003 and March 2004 at roadway construction projects in the Phoenix area.

Maricopa County's particulate air pollution, which includes dust and soot, exceeds the national health standard for PM-10. The EPA has classified the county as a serious non-attainment area for particulate matter. Under the federal Clean Air Act, areas failing to meet air quality standards must adopt control measures to reduce dust and soot in the air. The dust control measures are part of the state's clean air plan.

Particulate matter, including dust, affects the respiratory system and can cause damage to lung tissue and premature death. The elderly, children and people with chronic lung disease, influenza, or asthma are especially sensitive to high levels of particulate matter.

One of the primary causes of particulate matter in the Phoenix area is wind blown dust from construction and home development sites, highway construction, sand and gravel facilities, unpaved parking lots and roads, disturbed vacant lands, agricultural fields, and other stationary sources.

Further Information

Other sources of information for the construction industry:

<http://www.cicacenter.org/index.cfm>

http://cfpub.epa.gov/npdes/stormwater/menuofbmps/site_7.cfm

<http://www.ev.state.az.us/environ/water/permits/stormwater.html#multi>

What is the Storm Water Program?

The federally mandated storm water program requires many industries and cities to control storm water runoff. The Environmental Protection Agency regulates the City of Tempe under a municipal storm water permit. This permit required the City to develop a Storm Water Management Plan to ensure compliance with the program. Components of the program cover the following areas:

Inspecting businesses for compliance with storm water regulations.

Investigating and eliminating illicit discharges to the storm water conveyance system.

Educating the public about best management practices (BMPs) and ways to prevent storm water pollution.

How Do I Report a Storm Water Violation?

The City of Tempe operates a hotline and an e-mail address to receive information about discharges, pollution and questions about storm water.

If you see someone dumping or washing pollutants into the street or a storm drain, during business hours call 2678 at any other time please call the Tempe Storm Water Hotline at (480) 350-2811 or register a complaint at: http://www.tempe.gov/env/Stormwater_Groundwater_Issues/stormwatercomplaintform.htm